

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

STEVE SACHS, JEFF SWANSON, )  
AND CHARLENE HARVEY, )  
Plaintiffs )

vs. )

Civil Action No. 04-30032-MAP

STEVEN SPRAGUE, GERARD K. )  
FEENEY, JOHN E. BAGALAY, )  
NOLAN BUSHNELL, GEORGE )  
GILDER AND JOHN E. )  
McCONNAUGHY, JR., )  
Defendants )

and )

WAVE SYSTEMS CORP. )  
Nominal Defendant )

**PLAINTIFFS' ASSENTED TO MOTION TO EXTEND TIME FOR FILING  
RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

The plaintiffs hereby move for an extension of time until February 8, 2005 in which to file their opposition to the defendants' motion to dismiss. In support of this motion the plaintiffs state as follows:


On October 25, 2004, this court entered an order granting the plaintiffs' assented to motion for extension of time and establishing certain dates for the filing of defendants' motion to dismiss and the plaintiffs' response to that motion. The order provided that the plaintiffs would have until Sunday February 6, 2005 to file their response to the motion to dismiss and that the defendants would then have until March 1, 2005 to file their reply to the plaintiffs' opposition.

Counsel for the defendants, Michael Blanchard, Esq. has kindly assented to allow the plaintiffs an extension of time until close of business Tuesday February 8, 2005 in which to file their opposition to the defendants' motion to dismiss. Plaintiffs' counsel have in turn agreed to allow the defendants an extension of time until close of business March 3, 2005 in which to file their reply to the plaintiffs' opposition.

Allowance of this motion will not result in any unfair prejudice to any party or any undue delay in these proceedings. The scheduled hearing on defendants' motion to dismiss will still take place as scheduled on March 10, 2005.

Dated: February 3, 2005

Respectfully submitted,

By:   
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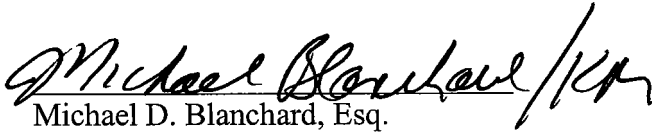
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Co-Lead Counsel for Derivative Plaintiffs

ASSENTED TO BY:

Counsel for defendant:

A handwritten signature in cursive script, appearing to read "Michael D. Blanchard / Kpr".

Michael D. Blanchard, Esq.

B.B.O. 636860

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CERTIFICATE OF SERVICE

I, Keith A. Minoff, Esq., hereby certify that on this 3<sup>rd</sup> day of February, 2005, I served a copy of the above document upon all counsel of record for each party by mail.

Subscribed under the penalties of perjury.

A handwritten signature in cursive script, appearing to read "Keith A. Minoff".  
Keith A. Minoff, Esq.